IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12034 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

FIROZ AKBARBHAI SETA

Versus

STATE OF GUJARAT

Appearance:

MS JAYSHREE C BHATT for Petitioner

MR SAMIR DAVE, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/02/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Challenge has been made by petitioner Firoz Akbarbhai Seta, detenu, at present detained in Central Jail, Vadodara, by this petition under Article 226 of the

constitution to the order dated 4.10.2000 of the District Magistrate, Mehsana, under which he was ordered to be detained as a `bootlegger'.

#. Reply to the special civil application has not been filed. The facts stated in the petition stand uncontroverted and are to be taken to be correct. In paragraph-7 of the special civil application, the petitioner made following grievance.

> 7. The petitioner further states that the order of detention is required to be quashed and set aside only on the ground that the appropriate authorities failed to consider the representation made by advocate.

So it is uncontroverted fact that the representation made by petitioner through advocate against the detention order has not been considered. This ground itself is sufficient for acceptance of the petition.

#. In paragraph-8 of the petition, grievance has been made that legible copies of documents at Page No.39, 42 and 44 of the compilation which are most relevant and material documents to arrive at subjective satisfaction have not been supplied to the petitioner. This fact is also uncontroverted. I have gone through these documents and I find that the documents at page No.39, 42 and 44 are not fully legible. In paragraph-9 the petitioner made a grievance that the petitioner has not been supplied with copies of statements of police witnesses recorded in criminal complaint being C.R. No.632/99, the statements of witnesses recorded in C.R. No.657/99 and C.R. No.541/99. Names of these witnesses have also been given in these paragraphs. This fact is also not controverted. It is a case where copies of vital and relevant documents were not given to the petitioner.

#. On these grounds, this petition deserves acceptance and the same is allowed and the order of detention of the petitioner dated 04.10.2000 is quashed and set aside. The petitioner - Firoz Akbarbhai Seta, the detenu, presently at Central Jail, Vadodara, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. The respondent-State of Gujarat is directed to pay cost of this petition to the petitioner which is quantified at Rs.1,000/=.

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(sunil)